

Notice of Allowability

Application No.

09/736,799

Examiner

Nick Corsaro

Applicant(s)

BONTA, JEFFREY D.

Art Unit

2684

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the amendment filed 09/28/2004.
2. ☒ The allowed claim(s) is/are 5,7,8,19,20 and 25-42.
3. ☒ The drawings filed on 14 December 2004 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____. |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____ | 7. <input type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____. |

REASONS FOR ALLOWANCE

Allowable Subject Matter

1. Claims 5, 7-8, 19-20, and 25-42 are allowed.
2. The following is a statement of reasons for the indication of allowable subject matter:

The prior art of record fails to teach a method of assigning an optimum system control parameter to a mobile station in a wireless communications system having one or more transceivers by dividing the coverage area of the communications system into a plurality of defined geographic regions irrespective of the locations of the one or more transceivers; assigning a code to each of the geographic regions irrespective of the locations of the one or more transceivers, wherein the code corresponds to a system control parameter optimized for that geographic region; locating a mobile station as being within a first geographic region of the plurality of defined geographic regions and providing the mobile station with the code for the first geographic region and the corresponding system control parameter optimized for the that geographic region locating the mobile station as being Within a second geographic region of the plurality pf defined geographic regions; comparing the code assigned to the second geographic region with the code assigned to the-first geographic region; and providing the mobile station with the code for the second geographic region and the corresponding system control parameter optimized for the second geographic region if during the step of comparing the code assigned to the first geographic region is different from the code assigned to the second geographic region .

Corbett et al. (6,351,642), and Chheda et al. (5,946,621), were cited in first office action. Corbett and Chheda discussed a CDMA soft handoff method and apparatus wherein the system uses a code for each cell in a mobile potential handoff list, where the system assigns a bias to

certain cells based on the probability of the mobile handing off to those cells. The cell candidates are then transmitted to the mobile stations along with bias codes for the regions. Thus Corbett was assigning an effective code, but not optimizing, so Chheda showed it would be an obvious step to optimize. Therefore, Corbett and Chheda showed the applicants limitations of dividing the system into regions, assigning codes to the regions with an optimized parameter for the region, and delivering the code with the optimized parameter to the mobile. Corbett and Chheda showed an optimization apparatus and method, but failed to teach the particular steps the applicant used to do the optimization. That is, Corbett and Chheda failed to teach optimizing the codes by a comparison of codes and delivering an optimized code merged set of codes, to the mobile station based on a comparison.

Conclusion

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nick Corsaro whose telephone number is 703-306-5616. The examiner can normally be reached on 7:00-3:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nay A Maung can be reached on 703-308-7745. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read "Nick Corsaro", with a long horizontal flourish extending to the right.

Nick Corsaro

NICK CORSARO
PRIMARY EXAMINER

Primary Examiner
(703) 306-5616